

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GANFER & SHORE, LLP,

USDC SDNY
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Petitioner,

10 Civ. 4075  
(DAB) (KNF)  
ADOPTION OF REPORT  
AND RECOMMENDATION

-against-

JAMES C. WITHAM and KAREN LAUSTSEN,

Respondents.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Kevin Nathaniel Fox, which was filed January 6, 2011. Petitioner applied pursuant to 9 U.S.C. § 9 to confirm a fee dispute arbitration award. The Report recommends that Petitioner's Motion to Confirm the May 5, 2010 arbitration award be GRANTED and that Petitioner be awarded pre-judgment interest from the date of the award to the entry of final judgment and post-judgment interest from the date of entry of judgment until the judgment is paid. Finally, the Report recommends that Petitioner's request for costs and disbursements associated with this proceeding be DENIED.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R.

Civ. P. Rule 72(b)(2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised accordingly in Judge Fox's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 16, of United States Magistrate Judge Kevin Nathaniel Fox, dated January 6, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Petitioner's Motion to Confirm the May 5, 2010 arbitration award of \$98,277.28, against the respondents, jointly and severally, Docket Entry No. 1, is GRANTED;

3. Petitioner is awarded pre-judgment interest from the date of the arbitration award, May 5, 2010, to the entry of final judgment, at an annual rate of nine percent;

4. Petitioner is awarded post-judgment interest from the date of entry of judgment, until it is paid, at a rate provided by 28 U.S.C. § 1961(a);

5. Petitioner's request for costs and disbursements associated with this proceeding is DENIED; and

6. The Clerk of Court is directed to CLOSE the docket in this case.

SO ORDERED.

DATED: New York, New York

January 28, 2011

Deborah A. Batts

Deborah A. Batts  
United States District